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By: Senators Kelley, Forehand, Hughes, Pinsky, Lawlah, Frosh, Sfikas, Roesser, Teitelbaum, and Mitchell

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

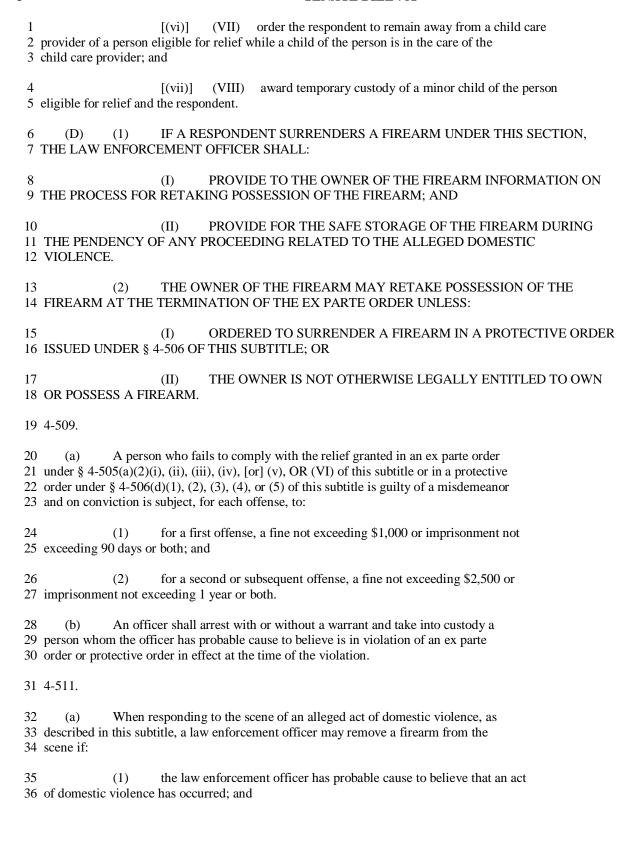
A BILL ENTITLED

1 AN ACT concerning

2 Domestic Violence - Temporary Ex Parte Order - Additional Relief

- 3 FOR the purpose of authorizing a court in an ex parte proceeding for relief from abuse
- 4 to order the respondent to surrender certain firearms under certain
- 5 circumstances; authorizing a court in certain domestic violence proceedings to
- 6 order a respondent to refrain from possessing certain firearms under certain
- 7 circumstances; requiring a law enforcement officer to provide certain
- 8 information to a respondent when a firearm is surrendered and to provide for
- 9 the safe storage of the firearm; providing for the retaking of surrendered
- firearms by the owner under certain circumstances; providing certain penalties
- for certain violations; and generally relating to temporary ex parte orders for
- 12 protection from domestic violence.
- 13 BY repealing and reenacting, with amendments,
- 14 Article Family Law
- 15 Section 4-505(a), 4-509, and 4-511
- 16 Annotated Code of Maryland
- 17 (1999 Replacement Volume and 1999 Supplement)
- 18 BY adding to
- 19 Article Family Law
- 20 Section 4-505(d)
- 21 Annotated Code of Maryland
- 22 (1999 Replacement Volume and 1999 Supplement)
- 23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 24 MARYLAND, That the Laws of Maryland read as follows:

1	Article - Family Law
2	4-505.
5	(a) (1) If a petition is filed under this subtitle and the court finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the court, in an ex parte proceeding, may enter a temporary order to protect any person eligible for relief from abuse.
7 8	(2) The temporary ex parte order may order any or all of the following relief:
9 10	(i) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;
11 12	(ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;
13 14	(iii) order the respondent to refrain from entering the residence of a person eligible for relief;
17 18 19 20 21 22 23	(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;
27 28	(V) IF THE COURT MAKES A FINDING ON THE RECORD THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT A PARTICULAR FIREARM OR PARTICULAR FIREARMS IN THE POSSESSION OF THE RESPONDENT MAY HAVE BEEN USED OR ARE LIKELY TO BE USED IN AN INCIDENT OF ABUSE AGAINST A PERSON ELIGIBLE FOR RELIEF:
	1. ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES THE PARTICULAR FIREARM OR PARTICULAR FIREARMS; OR
33 34	2. ORDER THE RESPONDENT TO REFRAIN FROM POSSESSING ANY FIREARMS FOR THE DURATION OF THE EX PARTE ORDER;
	[(v)] (VI) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;



- 1 (2) the law enforcement officer has observed the firearm on the scene 2 during the response.
- 3 (b) If a firearm is removed from the scene under subsection (a) of this section, 4 OR IS SURRENDERED UNDER § 4-505 OF THIS SUBTITLE, the law enforcement officer 5 shall:
- 6 (1) provide to the owner of the firearm information on the process for 7 retaking possession of the firearm; and
- 8 (2) provide for the safe storage of the firearm during the pendency of any 9 proceeding related to the alleged act of domestic violence.
- 10 (c) At the conclusion of a proceeding on the alleged act of domestic violence,
- 11 the owner of the firearm may retake possession of the firearm unless ordered to
- 12 surrender the firearm under § 4-506 of this subtitle.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 14 October 1, 2000.